



# Department for Transport

## Secretary of State's Ticketing and Settlement Agreement (TSA) Ticket Office Guidance (Guidance).

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5 April 2022

## **Ticket Office Opening (Part A)**

### **1. Introduction**

This guidance document sets out the approach which the Secretary of State (SofS) will normally take in deciding how to exercise his role under the Ticketing & Settlement Agreement (TSA) in relation to Ticket Office Opening.

It should be read in conjunction with the procedures set out in clause 6-16 of the TSA which are attached at Annex A. The intention is to make these procedures more transparent, by explaining what the SofS considers to be appropriate evidence of reasonable endeavours with regard to Ticket Office Opening.

While there is no process within the TSA regarding temporary modifications to opening hours, in certain circumstances these may be appropriate, and this document also sets out the approach which the SofS will follow in considering these temporary variations to Ticket Office Opening.

### **2. Display of times**

#### *2.1 SofS approach*

The opening hours of each ticket office should be clearly displayed in:

a location at or in the vicinity of the station ticket office which is accessible to passengers at all times, and this sign should be accurate and up to date. These times should also be accessible from the operator's website.

### **3. Minimum opening times**

#### *3.1 SofS approach*

Reasonable endeavours are interpreted as being that plans are in place and followed to achieve the opening hours of each ticket office as listed in Schedule 17 of the TSA or altered in line with clause 6-16(2) of the TSA. The SofS reserves the right to require operators to supply these plans for audit purposes. Such plans may include the following measures:

- Rosters and manpower plans which meet the Schedule 17 hours;
- Sufficient staff are available to meet the rosters;
  - o cover is provided for planned absences of staff due to annual leave/training etc.
  - o sufficient cover for the rosters is provided to meet forecast average levels of unplanned absence due to sickness, special leave etc. It is acknowledged that there will be occasions where short term

sickness e.g. one day, cannot be covered at smaller locations particularly in more remote areas.

- Where the unplanned absence is likely to continue for an extended period of time then, arrangements should be put in place to cover this.
- Redeployment of staff from lower footfall to busier stations should occur only on an exceptional basis.
- The provision of ticket office training to other staff and how that contributes to cover for planned and unplanned absences.

Operators may provide their own evidence of reasonable endeavours in addition or as an alternative to these measures as appropriate to their business.

#### *Exceptions to reasonable endeavours obligation*

The obligation is disapplied by 6-16 (2) (a) (i) of the TSA on Christmas Day, Boxing Day and additionally in Scotland on New Year's Day holidays.

The obligation is varied by 6-16 (2) (a) (ii) of the TSA on Public or Bank Holidays where a different train service is in operation.

The obligation is disapplied by 6-16 (2) (a) (iii) of the TSA when train services are not operating due to engineering works, unless a replacement bus or other service to substitute for the trains that would normally call at the station concerned is provided.

In the case of 6-16 (2) (a) (i), (ii) and (iii) operators should ensure that the changed hours are effectively communicated to passengers, including alternative arrangements to mitigate them: This is particularly important with changes over the Christmas/New Year period, when Saturday or Sunday train services are operated with Saturday or Sunday Schedule 17 hours: These changes result in offices being shut on Mondays to Fridays (when they would normally be open), in the run up to the annual January 2<sup>nd</sup> fares change (if appropriate) date when passengers, particularly season ticket holders, may be seeking to buy/renew tickets at the pre increase price.

## **4. Temporarily modified hours**

### *4.1 SofS approach*

The SofS will consider proposals which operators choose to submit to operate temporarily modified hours.

Operators should be mindful that any proposals must be made in sufficient time to enable them to be considered and that any changes, including alternative arrangements to mitigate them, are effectively communicated to passengers.

To enable proper consideration of changes and the decision to be communicated to operators and passengers, operators should not normally seek to propose temporary changes, particularly if they involve offices being shut on days on which they would normally be open, less than 4 weeks before they are scheduled to come into force. This is particularly important with changes over the Christmas/New Year period on days which are **not** covered by 6-16 (2) (a) (i), (ii) and (iii), due to their proximity to the January 2<sup>nd</sup> fares change date (if appropriate).

When works at a station, on the ticket office, or the condition of the ticket office itself prevent its operation, the SofS will normally expect that the hours are maintained through a temporary ticket office: Where operators consider that this is not appropriate or feasible, they should explain why.

In submitting proposals for temporarily modified hours, operators should explain what alternative arrangements will be in place for example: mobile staff at stations; self-service ticket machines; alternative stations; on-train, use of permit to travel machines, purchase through websites, telesales. The effect of the changes on the operation of Penalty Fares schemes (if applicable) should also be explained.

The SofS may place conditions on any approval of temporary changes. At minimum, these will include that the change must be fully advertised at stations and that alternative arrangements for purchasing tickets are explained.

In these cases, the SofS will balance the need to protect the interests of rail users with the need to promote efficiency and economy on the part of rail service providers. The SofS will balance the need to protect through ticketing (and by implication, passenger access to the sale of through tickets) with the need to secure value for money.

The SofS will notify RDG of any approvals to temporarily modified hours for these to be advised to TOCs. As these changes are not covered by the TSA, there is no requirement to show them within Schedule 17. However, RDG and operators are encouraged to do so where they are of a long-term duration (in excess of 6 months) and Schedule 17 is to be reissued during that period.

## **Changes to Schedule 17 of the Ticketing & Settlement Agreement (Part B)**

### **1. Introduction**

This document sets out the approach which the Secretary of State (SofS) will normally take when deciding how to exercise his role under the Ticketing & Settlement Agreement (TSA) in relation to proposals to change the opening hours or range of products sold at ticket offices.

It is based on the policy previously adopted by the Strategic Rail Authority in August 2004, updated to allow for subsequent changes to the TSA, the changes brought about by the Railways Act 2005, the Equality Act 2010, fares simplification and electronic publication of fares.

It should be read in conjunction with the procedures set out in clauses 6-17, 6-18 and 6-19 of the TSA which are attached at Annex A. The intention is to make these procedures more transparent, by indicating when the SofS would be likely to consider that a proposed change meets the criteria for a Minor or Major Change. In both cases, the SofS will balance the need to protect the interests of rail users with the need to promote efficiency and economy on the part of rail service providers. The SofS will balance the need to protect through ticketing (and by implication, passenger access to the sale of through tickets) with the need to secure value for money.

In making proposals, operators will need to be able to demonstrate to the SofS that they are complying with the obligations in 6-16 Ticket Office Opening of the TSA. Non-compliance with these obligations will lead to proposals being rejected or amended by the SofS. When making proposals for changes, TOCs should submit a lost hours report for each station affected, which covers the same period as that for which the ticket office sales data is provided. A lost hours report will show the number of hours when the ticket office was not staffed as required in schedule 17.

### **2. Background**

Schedule 17 of the TSA defines the opening hours and the range of products which must be sold at each ticket office. The product range is defined in terms of the products contained within the National Rail Enquiries Internal NRE Knowledgebase, the ticket issuing system provided, and whether or not reservations can be made. Chapter 6 of the TSA sets out two processes which operators can use to change the opening hours or product range at their stations. These are the Minor Change Procedure and the Major Change Procedure.

Under the Minor Change Procedure, the operator serves a notice on the SofS, Rail Settlement Plan (RSP), and other operators. In practice, once a Train Operating Company (TOC) advises RSP, RSP publishes the proposed change in the 'RDG notice of changes to TSA schedule 17' which is circulated to all

operators and the DfT. The proposed change is deemed to be approved after 28 days if no objection is received from the SofS or any other operator. Any objection can only be made on the grounds that the proposed change does not meet the criteria for a Minor Change set out in the TSA.

Under the Major Change Procedure, the operator serves a notice on the SofS, Transport Focus/London TravelWatch (TF/LTW), other operators, RSP, and any Passenger Transport Executive; the operator must display details of the proposed change at affected stations inviting passengers to make representations to TF/LTW within 21 days. TF/LTW or another operator can object to the proposal within 28 days of the date of the notice, or longer by agreement with the operator, but only on the grounds that the proposed change does not meet the criteria for a Major Change set out in the TSA. If an operator objects, the matter is referred to the RDG Schemes Committee. If TF/LTW objects the Operator can either withdraw the proposal or refer the matter to the SofS for a decision. The SofS is content for TF/LTW and the Operator to continue discussing the proposal, including amending it, if that would enable an agreement to be reached. If the matter is referred to the SofS, the SofS will decide whether the objections are valid or not; i.e. the proposed change fails to meet the criteria, or meets the criteria. Alternatively, the procedure permits an arbitrator to be appointed to determine if the criteria are met.

### **3. Minor changes: Reduction in ticket office opening hours**

#### *3.1 TSA criteria*

Under clause 6-17 (1) of the TSA, changes to opening hours may be made under the Minor Change Procedure if **either the total time during which the ticket office is open each day is not materially reduced or the change does not have a material adverse effect on passengers or other operator's sales through that office.**

#### *3.2 SofS approach*

The SofS will **not** normally object to any change in ticket office opening hours where the opening and closing times are varied to match passenger demand or changes to the timetable, but the overall period for which the office is open remains the same.

The SofS will **not** normally object to any change in ticket office opening hours where the opening and closing times are varied, but the overall period for which the office is open is reduced by only a small amount, generally up to 20 minutes where (for example) the change is driven by staff rostering arrangements. The SofS may make an objection if the opening hours have already been reduced through a previous change proposal and the sum of the changes will exceed this amount.

The SofS will **not** normally object to any reduction in ticket office opening hours where the operator can show that the number of tickets sold during the period in question (and consequently the adverse effect on passengers) is very small. This will apply even where the change in hours is significant, for example a reduction from two shifts to one (14 hours to 7 hours) or full-time to part-time operation (4 hours).

For the purposes of the Minor Change Procedure, the SofS will generally regard 'small' as meaning an average of between 0 and 7 ticket issues per hour, although each case will be considered on its merits. Operators are asked to provide the SofS with information on ticket issues to support the change proposal. As a general guide, at least six weeks' figures should be provided showing the number of ticket issues each hour from representative weeks unaffected by engineering work, staff shortages and public holidays. The six weeks' of figures should also not be from dates between 23 March 2020 and 30 January 2022 due to the impact of the Covid-19 Pandemic. Where the changes include part of an hour, the figures should also be broken down to include issues in that part of the hour. E.G. proposal to close at 19:15 instead of 20:00, figures required for period 19:00 to 20:00 and 19:15 to 20:00. Where proposals are borderline in terms of the criteria, TOCs should provide a 15 minute breakdown of sales in the affected time period. E.g. if sales were around 7 per hour 19:00-20:00, the TOC should provide a 15 minute breakdown of sales during that hour. The SofS may ask for monitoring over a longer period if this is considered necessary.

It will not normally be considered appropriate to close an office completely under the Minor Change Procedure. Where an operator believes that complete closure is justified, the Major Change Procedure should be used.

### *3.3 Revenue Protection / Penalty fares schemes*

If the ticket office in question is at a station designated as a Penalty Fares Station for the purposes of any operator's Penalty Fares Scheme (whether this is the same operator which runs the ticket office, or another operator), that scheme will need to be changed before the reduced opening hours are implemented. However, a change in opening hours which in the SofS's view meets the TSA criteria for a Minor or Major Change will normally also meet the SofS's requirement for adequate ticket facilities under a Penalty Fares Scheme. The process for changing a Penalty Fares Scheme is set out in chapter 8 of the Penalty Fares Guidelines 2018 produced by RDG.

### *3.4 Facilities and Support for passengers with disabilities / accessibility or other equalities related needs*

If the reduction in ticket office hours will affect an operator's ability to comply with its Accessible Travel Policy or with any obligations on it as a service provider under the Equality Act 2010, this will need to be addressed separately.

Depending on the nature of the change, the DfT may require the TOC to produce an impact assessment in order to comply with their obligations under the Equality Act 2010.

#### **4. Minor changes: product range**

##### *4.1 Reservations*

Long-distance leisure travel increasingly means buying Advance tickets, which require a reservation. Advance tickets can at a minimum be bought up to 18:00 hours on the day before travel. In many cases they can be bought up to the end of the day before travel and in some cases, with the introduction of Advance Purchase on the Day up to the time of departure on the day of travel.

Although internet sales are increasingly popular, the introduction of e-ticketing on National Rail is still not universal, postal despatch of tickets takes up to a week, and not all stations currently have 'ticket on departure' facilities. In addition, some passengers do not have credit or debit cards and may need to pay in cash. The ability to make reservations (and therefore to sell the cheaper leisure fares) at stations is still important. New ticket issuing systems which integrate fares, timetables and ticket issuing will make the sales of such tickets easier, and all new systems come with a reservations facility as standard. The marginal cost of making reservations in such cases may be small.

At stations which are required to make reservations by Schedule 17 of the TSA, but at which there is no reservations equipment and reservations must be obtained by telephone from a neighbouring office or central point, the SofS will not normally object to a withdrawal of the obligation to make reservations where the number sold in the last 6 months can be shown to be very small. This will normally apply only to smaller stations.

The SofS expects a reservation facility to be continued at most main stations serving large towns or cities, but will consider alternatives such as a facility to collect tickets (and if required, pay in cash) at ticket offices after the reservation is made by telephone or internet.

It may also be desirable to continue offering reservations (or a 'ticket on departure' facility with cash payment arrangement) where a high proportion of trains require a reservation, for example, at a small station served by long distance trains where many leisure fares require reservation.

##### *4.2 Electronic publication of fares*

The TSA requires each station to sell any fare contained in the National Fares Manuals shown against that station in schedule 17, subject to any limitations imposed by the ticket issuing equipment or the availability of reservations at that office. The National Fares Manuals are no longer produced with each fares



change date. Fares are now available electronically in the 'Fares Finder', which is accessed via the National Rail Enquiries Internal NRE Knowledgebase.

As a minimum, each station is expected to sell any fare covering the region in which that station is situated, and Airport Link, Bus Link & PlusBus, Leisure Attraction and Shipping Link fares.

## **5. Major changes: Ticket office closure or reduction in opening hours**

### *5.1 TSA criteria*

Under clause 6-18 (1) of the TSA, changes to opening hours may be made under the Major Change procedure if:

- (a) **the change would represent an improvement on current arrangements in terms of quality of service and/or cost effectiveness and**
- (b) **members of the public would continue to enjoy widespread and easy access to the purchase of rail products, notwithstanding the change.**

An application notice for Major Changes made by operators should comply with 6-18 (3) of the TSA.

TF<sup>1</sup>/LTW may object to a proposed Major Change on the grounds that the change does not meet one or both of these criteria. If TF/LTW object and the operator disagrees with the objection and does not wish to withdraw the proposal or continue discussing it, including amending it, if that would enable an agreement to be reached, the SofS acting as the authority or an arbitrator appointed by the authority will consider whether the change meets these two criteria.

### *5.2 SofS approach:*

Where proposals have been objected to and are submitted to the SofS to consider, the SofS will take into account:

- How any changes represent an improvement on current arrangements in terms of quality of service and/or cost effectiveness;
- How members of the public will continue to enjoy widespread and easy access to the purchase of rail products; and
- How any changes help deliver the Williams-Shapps Plan for Rail, including:
  - Modernising customer service at stations.
  - Staff providing a more personal service, which can be crucial for those who need additional support at stations and those who cannot or do not want to use contactless or mobile tickets.

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<sup>1</sup> Please engage with TF/LTW early in the process, including to confirm which of them the public responses should be directed to and any specific email addresses to use

### *5.3 Quality of service*

The SofS will want to understand and consider current staffing (e.g. numbers/availability, skillsets and capability, accessibility support):

- either in the ticket office or near other ticketing retail channels at the station;
- any other customer support at the station, online, over the phone or virtually;
- when this is provided (days and hours across the week and in relation to first/last trains); and
- what is proposed following any change.

The SofS will want to understand and consider current:

- ticketing and retail functions at the ticket office (e.g. selling tickets, including season tickets, railcards,);
- other services/support provided by the ticket office (e.g. providing information to customers; access to disabled toilets, waiting rooms, lifts; phone charging points; access to emergency contacts; emergency response to incidents, identifiable location for getting help and visible staff presence that provides perceived and real safety and security benefits);
- retail channels available at the station and if they provide any additional services/support for passengers; and
- what is proposed following any change.

Also, the ticket sales, after-sales and non-sales transaction types provided at the station now (see template), by all station and digital retail channels.

### *5.4 Cost effectiveness*

The SofS will want to understand and consider whether a proposed change will increase cost effectiveness. The operator should set out any savings, associated costs and benefits. For example, how the money saved by closing a ticket office or reducing its opening hours compares to the level of service provided and the revenue forecast from ticket sales at that office.

If a proposal to change opening and closing times is in response to changes to train timetables this should be made clear.

### *5.5 Widespread and easy access to the purchase of rail products*

The SofS will want to understand and consider whether passengers will continue to enjoy widespread and easy access to the purchase of rail products, and transactions that aren't purchases, after the change, taking into account the

number and types of passengers using that station and other local circumstances. For example:

- at the smallest stations, if alternative arrangements are put in place for on train ticket sales, or at larger stations, alternative self-service machines will be provided, accepting a wide range of payment methods and selling a full range of tickets with a full range of railcard discounts;
- whether there is availability and acceptance of digital tickets and/or PAYG at/for the station changes are proposed at and for majority of journeys from that station;
- whether arrangements are in place for the sale of more complex products, including those requiring a reservation, via telesales and the internet, with 'ticket on departure' arrangements without a fee from that TOCs website and telesales operation where appropriate;
- whether suitable arrangements are made for transactions which self-service machines cannot handle, for example, monthly and longer season tickets, refunds, payment with rail travel vouchers, issue of photocards and railcards, and the necessary instructions will be clearly indicated at the station and provision of timetable information.
- Where there is commonality in approach for several stations / ticket offices, operators should refer to this.

Operators must consider the functionality of self-service ticket machines carefully. As a minimum, we would normally expect machines to sell any normal walk-up fare to any destination directly served by trains from that station, and to the most popular destinations reached by connecting train. We would expect a machine to allow discounts with all types of national railcards. Operators should consider add-on fares such as fares from a zonal boundary to a final destination for use in conjunction with a season ticket.

#### *5.6 Revenue Protection / Penalty fares schemes*

If the ticket office in question is at a station designated as a Penalty Fares Station for the purposes of any operator's Penalty Fares Scheme (whether this is the same operator which runs the ticket office, or another operator), that scheme will need to be changed before the reduced opening hours are implemented. However, a change in opening hours which in the SofS's view meets the TSA criteria for a Minor or Major Change will normally also meet the SofS's requirement for adequate ticket facilities under a Penalty Fares Scheme. The process for changing a Penalty Fares Scheme is set out in chapter 8 of the Penalty Fares Guidelines 2018 produced by RDG (due to be updated later this year, 2022, when the new penalty fares regime comes in).

Where ticket office closure is proposed, the operator will have to assess how the penalty fares scheme will operate for passengers using this station.

### *5.7 Facilities and support for passengers with disabilities / accessibility or other equalities related needs*

The SofS will want to understand and consider an assessment of what is currently available and what is proposed in relation to passengers who have a disability / accessibility or other equality related needs including:

- any equality impact assessment developed by the operator as part of the TSA consultation process
- any changes to the operators' Accessible Travel Policies (ATP) following any proposed changes (noting changes coming into effect that from 1 April 2022, passengers are not required to give more than 2 hours' notice when booking through Passenger Assist);
- any analysis from the operator in relation to the impact of proposed changes on passengers with a disability / accessibility or other equality related needs conducted in relation to the proposed changes in order to satisfy the operator's: ATP, general duties as a service provider under the Equality Act, and other<sup>2</sup> general duties.
- staff accessibility support for customers currently/following the proposed change;
- accessibility for customers that need to use cash, or do not have a smartphone or access to the internet, or need support to use them; and
- passenger demographics and other local circumstances.

The SofS may seek further information to ensure that the Major Change proposal has taken into account the equalities impact on passengers.

### *5.8 Safety at station for passengers and staff*

The SofS will want to understand and consider what is currently provided (e.g. CCTV, help points with emergency button to summon assistance), what is proposed following any changes and how will this be monitored for passengers and station staff (e.g. arrangements for lone staff if staffing is reduced).

### *5.9 Future monitoring of change*

Will there be any monitoring, or assessments of the changes proposed post implementation? Please outline this in the Major Change Proposal template.

### *5.10 Template for Major Change proposals*

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<sup>2</sup> Other general duties include under operator's license and / or franchise agreement, general duties under NRCOTs, general duties under the Rail Passengers Rights and Obligations Regulation, general duties under any other applicable legislative, contractual or regulatory requirement.

In determining Major Change proposals submitted to the SofS consideration will be given to the sections above. To enable a consistent approach operators should provide information in the Major Change proposals template and the Equality Impact Assessment for the station.

The SofS may ask for additional information for proposals to assist with any borderline decisions.

## **6. Major changes: product range**

### *6.1 Reservations*

See '4.1 Reservations' section under the Minor Change Procedure.

### *6.2 Electronic publication of fares*

See '4.2 Electronic publication of fares' section under the Minor Change Procedure.

**Annex A: Extract from clauses 6-16, 6-17, 6-18 and 6-19 of the TSA Version  
10.2 Issue Date: 25 February 2021**

**6-16 TICKET OFFICE OPENING**

(1) Display of times

The opening hours of each **Ticket Office** must be prominently displayed at a location nearby that is accessible to members of the public at all times unless the **Authority** agrees otherwise.

(2) Minimum opening times

(a) The times during which a **Ticket Office** is open are at the discretion of the relevant **Operator**. However, the **Lead Retailer** at a **Regulated Station** must use its reasonable endeavours to ensure that the **Ticket Office** specified in Schedule 17 against the name of that **Station** is open for the times specified except:

(i) on Christmas Day, Boxing Day and additionally in Scotland on New Year's Day holidays; and

(ii) on other Public or Bank Holidays at **Stations** served by a "Saturday", "Sunday", or "Special" train service, when the **Lead Retailer** at a **Regulated Station** must use its reasonable endeavours to ensure that a **Ticket Office** at that **Station** is open during the "Saturday" or "Sunday" times specified in Schedule 17, or in the case of a "Special" train service during the times which are appropriate for that service; and

(iii) during periods when no trains call at that **Station** due to planned engineering work, unless the **Operator** responsible for the **Ticket Office** concerned provides a replacement bus or other service to substitute for the trains that would normally call at the **Station** concerned.

(b) The **Operator** which is responsible for a **Ticket Office** must use its reasonable endeavours to ensure that the **Ticket Office** is open during the opening hours displayed pursuant to sub-Clause (1) above.

**6-17 MINOR CHANGES TO THE SCOPE OF A LEAD RETAILER'S  
OBLIGATIONS**

(1) Types of change that are permitted

An **Operator** may change the range of **Basic Products** that it is required to offer for **Sale** at a **Regulated Station**, the hours during which its **Ticket Office** at a **Regulated Station** is required to be open or the range of **Credit Cards** that it is required by Clause 7-1 below to accept at a **Regulated Station**:-

(a) in the case of a change in the range of **Basic Products** or the opening hours, the change is in response to a material shift in the timing of demand for the **Sale** of **Rail Products** and the total time during which the relevant **Ticket Office** is open each day is not materially reduced;  
or

(b) in the case of a change in the range of **Credit Cards**, it has been unable (despite its reasonable endeavours) to negotiate with an appropriate **Credit Card Company** an agreement relating to the acceptance of the relevant **Credit Card**, except on terms which are unreasonably onerous to that **Operator** (having regard to the terms available to it in relation to other **Credit Cards** and the terms available to the British Railways Board at the date of this Agreement); or

(c) in either case, the change does not have a material adverse effect on passengers or other **Operators' Sales** through the relevant **Ticket Office**, particularly in relation to the range of **Rail Products** that can be **Purchased** or, as the case may be, the range of **Credit Cards** that may be used to Purchase them.

The change must be made by following the procedure set out in sub-Clause (2) below.

## (2) Procedure

(a) An **Operator** that wishes to make any of the changes referred to in sub-Clause (1) above must serve a written notice on each of the other **Operators**, the **Authority** and the **RSP** specifying the nature of the proposed change.

(b) Any **Operator** may object to the proposed change on the basis that it does not fulfil either of the relevant criteria specified in sub-Clause (1) above by serving a notice in writing on the **Operator** that wishes to make it, the **Authority** and the **RSP**. The **Authority** may also object to the proposed change on the same basis by serving a notice in writing on the **Operator** that wishes to make it and the **RSP**.

(c) If no such notice is served within 28 days after the service of the notice referred to in paragraph (a) above, the proposal will be deemed to have been approved and will be binding on the **Operators** and the **RSP** accordingly.

(d) If a notice of objection is received from an **Operator** within the period referred to in paragraph (b) above and has not been withdrawn by the end of that period, the **Operator** wishing to make the relevant change must, at the end of the period, either:-

(i) withdraw the proposal (and send a written notice to the other **Operators**, the **Authority** and the **RSP** to that effect); or

(ii) refer the matter to the **ATOC Schemes Committee**.

(e) If a referral is made to the **ATOC Schemes Committee**, it (or the expert or arbitrator appointed pursuant to the **ATOC Dispute Resolution Rules**) will determine, in accordance with the **ATOC Dispute Resolution Rules**, whether either of the relevant criteria referred to in subClause (1) above are satisfied in respect of the proposed change.

(f) If the proposed change is approved (or is deemed to have been approved) or the **ATOC Schemes Committee** (or the expert or arbitrator appointed pursuant to the **ATOC Dispute Resolution Rules**) determines that either of the relevant criteria referred to in sub-Clause (1) above are satisfied, the **Operator** which proposed the change must notify the **RSP** of this. The **RSP** will then update Schedule 17 and notify the other **Operators** accordingly.

(g) If a notice of objection is received from the **Authority**, the change may not take place pursuant to this Clause 6-17. However, the **Operator** wishing to make it may make a new

application pursuant to this Clause 6-17 or may seek to make the change pursuant to Clause 6-18 below.

### (3) **Experimental Changes**

(a) Before an **Operator** makes an **Experimental Change** it must notify the **Authority** of its intention to do so and the date on which the **Experimental Change** is to take effect.

(b) On a date which is between 12 and 18 months after the date of the notice, that **Operator** must notify the **RSP** of the opening hours of the **Ticket Office** in respect of which the **Experimental Change** is to be made and the range of **Rail Products** which has been **Sold** during the previous six months at the **Station** in which that **Ticket Office** is situated. The **RSP** will then amend Schedule 17 accordingly.

## **6-18 MAJOR CHANGES TO THE SCOPE OF THE LEAD RETAILERS' OBLIGATIONS**

### (1) Types of change that are permitted

(a) An **Operator** may change the range of **Basic Products** that it is required to offer for **Sale** at a **Regulated Station** or the hours during which its **Ticket Office** at a **Regulated Station** is required to be open if:-

(i) the change would represent an improvement on current arrangements in terms of quality of service and/or cost effectiveness and members of the public would continue to enjoy widespread and easy access to the **Purchase** of **Rail Products**, notwithstanding the change; or

(ii) the change is in response to a change in the requirements specified by a **Passenger Transport Executive**.

(b) The change may only be made by following the procedure set out in sub-Clause (2) below.

(c) This Clause 6-18 applies even if the proposed change does not comply with either of the criteria in Clause 6-17(1) above.

### (2) Procedure

(a) An **Operator** that wishes to make any of the changes referred to in sub-Clause (1) above must serve a notice on each of the other **Operators**, the **RPC** in whose area the **Station** is situated (determined, in the case of the **RPC**, in accordance with the **Act**), any **Passenger Transport Executive** whose responsibilities relate to that area (or part of it), the **Authority** and the **RSP** specifying the nature of the proposed change and containing the information referred to in subClause (3) below.

(b) Information about the proposed change must also be advertised at the **Station** no later than the day on which the notice is served. The advertisement must invite members of the public who wish to comment on the proposed change to write to the relevant **RPC** not later than 21 days after the service of the notice.



(c) Any **Operator** or the **RPC** may object to the proposed change on the basis that it does not fulfil either of the criteria specified in sub-Clause (1) above by serving a notice in writing on the **Operator** that wishes to make it, the **Authority** and the **RSP**. However, if no such notice is served within 28 days of the service of the notice referred to in paragraph (a) above, the proposal will be deemed to have been approved and will be binding on the **Operators** and the **RSP** accordingly.

(d) If a notice of objection is received from the **RPC** within the period referred to in paragraph (d) above and has not been withdrawn by the end of that period, the **Operator** wishing to make the relevant change must, at the end of the period, either:-

(i) withdraw the proposal (and send a written notice to the other **Operators**, the **RPC**, any relevant **Passenger Transport Executive**, the **Authority** and the **RSP** to that effect); or (ii) refer the matter to the **Authority**, who will deal with it in accordance with Clause 6-19 below.

(e) If a notice of objection is received from an **Operator** (but not from the **RPC**) within that period, the **Operator** wishing to make the relevant change must, at the end of the period, either:-

(i) withdraw the proposal (and send a written notice to the other **Operators**, the **RPC**, any relevant **Passenger Transport Executive**, the **Authority** and the **RSP** to that effect); or

(ii) refer the matter to the **ATOC Schemes Committee**.

(f) If such a referral is made to the **ATOC Schemes Committee**, it (or the expert or arbitrator appointed pursuant to the **ATOC Dispute Resolution Rules**) will determine, in accordance with the **ATOC Dispute Resolution Rules**, whether either of the criteria referred to in sub-Clause (1) above are satisfied in respect of the proposed change.

(g) If the **Authority** or the **ATOC Schemes Committee** (or the expert or arbitrator appointed pursuant to the **ATOC Dispute Resolution Rules**) determines that either of the criteria referred to in sub-Clause (1) above is satisfied, the **Operator** which proposed the change must notify the **RSP** of this. The **RSP** will then update Schedule 17 and notify the other **Operators** accordingly.

### (3) Contents of the notice

(a) A notice which is served pursuant to sub-Clause (2)(a) above must state the reasons why the **Operator** wishing to make the relevant change believes the change would satisfy either of the criteria referred to in sub-Clause (1) above, taking into account:-

- (i) current levels of accessibility to facilities for the **Sale of Fares**;
- (ii) the need to safeguard the interests of passengers and other **Operators**;
- (iii) the promotion of the use of the **Network**;
- (iv) the existence (or the provision as part of the change proposal) of any alternative means, including new technology, of meeting the needs of passengers and other **Operators**; (v) the sufficiency of those alternative means and the extent to which passengers and other **Operators** can be offered assurances that they will continue to be available;
- (vi) the costs of providing existing facilities, the level of demand for those facilities, and the extent to which the proposals would meet the needs of dependent users and the costs of doing so;

- (vii) the adequacy of the proposed alternatives in relation to the needs of passengers who are disabled;
- (viii) the continued provision of clear standards of service which can easily be understood and monitored; and
- (ix) the need to provide passengers with reasonable certainty about the new arrangements and avoid frequent changes.

(b) The notice which is served on the **RPC** must also state:-

- (i) that the **RPC** may object to the proposed change by serving a notice in writing to this effect within 28 days on the **Operator** which proposes to make the relevant change;
- (ii) the addresses to which any such notice must be sent; and
- (iii) that if such a notice is served, the matter will be referred to the **Authority**, who will consider whether the relevant criteria are satisfied.

## **6-19 CONSIDERATION OF MAJOR CHANGES BY THE AUTHORITY**

(1) Notification of the **Authority's** consideration of the application

If a proposal is referred to the **Authority** pursuant to Clause 6-18(2)(d) above, the **Authority** will notify the relevant **RPC** and any **Operators** (other than the one making the proposal) or **Passenger Transport Executives** which he believes may be affected by the proposed change and will consider any representations made by them or by the **Operator** making the proposal.

(2) Contents of representations to the **Authority**

Any representations made pursuant to sub-Clause (1) above must be made in such form and within such times, and must contain such information, as the **Authority** specifies from time to time, either generally or in any particular case.

(3) Representations by other **Operators**

(a) If the **Authority** seeks the views of any **Operators** or **Passenger Transport Executives** or a **RPC** pursuant to sub-Clause (1) above, he may give those **Operators** or **Passenger Transport Executives** or that **RPC** any information about the proposed change and the representations made by the **Operator** wishing to make it that the **Authority** considers appropriate.

(b) However, that **Operator** may ask the **Authority** to keep any representations it makes confidential. The **Authority** will comply with such a request, but may refuse to consider further the making of a change if he believes it will not be possible to seek the views of other **Operators** or **Passenger Transport Executives** or the **RPC** properly if that information is not disclosed to them.

(4) The **Authority's** decision

After considering any representations made by the **Operators**, the **Passenger Transport Executives** or the **RPC**, the **Authority** will decide whether the proposed change he has been asked to consider satisfies either of the criteria set out in Clause 6-18(1)(a) above. The **Authority's** decision will be binding on the **Operators** and the **RSP**.

(5) Notification of changes

(a) If the **Authority** decides that either of the criteria in Clause 6-18(1)(a) above are satisfied, he will notify the **Operators**, the **Passenger Transport Executives** and the **RPC** as soon as reasonably practicable.

(b) If this notification is made, the proposed change may take place at any time after the date specified for this purpose in the notification (or if no such date is specified, immediately). Any such date that is specified by the **Authority** will be a reasonable time after the date of the notification.

(6) Appointment of an arbitrator

The **Authority** may delegate the consideration of a proposed change to an arbitrator selected by him. However, if he does so, he will instruct the arbitrator to follow the procedure set out in this Clause 6-19. If the arbitrator fails to follow that procedure, Clause 3-5(2)(a) above will apply.